

02-19-09 N

D A C

PTO/SB/61 (11-03)

Approved for use through 07/31/2006 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)
04212/100E519-US0

First Named Inventor: Murray Figov et al.

Art Unit:

Application Number: 09/525,579

Filed: July 24, 1998

Examiner:

Title: IMAGING APPARATUS FOR EXPOSING A PRINTING MEMBER
AND PRINTING MEMBERS THEREOF

RECEIVED

FEB 24 2004

OFFICE OF PETITIONS

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a USPTO Notice of Abandonment mailed October 23, 2003. The date of abandonment is the day after the expiration date of the period set for reply in such notice plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

 Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27. Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply to the above-noted Notice of Abandonment is in the form of the enclosed payment of the \$1006 basic and late filing fees specified in the USPTO Notice to File Missing Parts, mailed October 29, 2002.

has been filed previously on _____.
 is enclosed herewith.

02/20/2004 SZENDIE1 00000025 09525579

04 FC:1452

110.00 DP

E2994071073 - US

2/17/04

Beck

Express Mail Label No.

Dated: _____

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is annexed hereto as Appendix A:

February 17, 2004

Date


Signature

(212) 527-7772
Telephone Number

Walt Thomas Zielinski
Typed or printed name

18,902
Registration Number, if applicable

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
Address

Enclosure Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unavoidable delay

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

February 17, 2004

Date

Signature

18,902

Registration Number, if applicable

Walt Thomas Zielinski

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as *Express* first class mail in an envelope addressed to: MS Petition, Assistant Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450 *EL 994 071073 US*

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

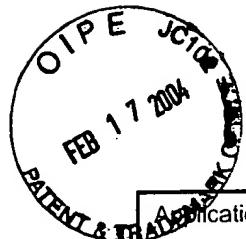
2/17/04

Date

Signature

Typed or printed name of person signing certificate

(Please attach additional sheets if additional space is necessary)



Application No. (if known): 09/525,579

Attorney Docket No.: 04212/000E519-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EL 994 071 073 US** in an envelope addressed to:

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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on 2/17/04

Date

Signature

Typed or printed name of person signing Certificate

Note: Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.37(a) with Exhibits (A-C)
Fee Transmittal (1 page)
Check in the amount of \$1116.00
Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$ 1,116.00)

Complete if Known	
Application Number	09,525,579
Filing Date	July 24, 1998
First Named Inventor	Murray Figov et al.
Examiner Name	
Art Unit	
Attorney Docket No.	04212/100E519-US0

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number 04-0100

Deposit Account Name Darby & Darby P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	790
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 790.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims	Fee from below	Fee Paid
Total Claims	10	-20** =		= 0.00
Independent Claims	1	-3** =	1 x 86	= 86.00
Multiple Dependent				

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 86.00

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge – late filing fee or oath	130
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130 Non-English specification	
1812	2,520	1812	2,520 For filing a request for ex parte reexamination	
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action	
1251	110	2251	55 Extension for reply within first month	
1252	420	2252	210 Extension for reply within second month	
1253	950	2253	475 Extension for reply within third month	
1254	1,480	2254	740 Extension for reply within fourth month	
1255	2,010	2255	1,005 Extension for reply within fifth month	
1401	330	2401	165 Notice of Appeal	
1402	330	2402	165 Filing a brief in support of an appeal	
1403	290	2403	145 Request for oral hearing	
1451	1,510	1451	1,510 Petition to institute a public use proceeding	
1452	110	2452	55 Petition to revive – unavoidable	110.00
1453	1,330	2453	665 Petition to revive - unintentional	
1501	1,330	2501	665 Utility issue fee (or reissue)	
1502	480	2502	240 Design issue fee	
1503	640	2503	320 Plant issue fee	
1460	130	1460	130 Petitions to the Commissioner	
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180 Submission of Information Disclosure Stmt	
8021	40	8021	40 Recording each patent assignment per property (times number of properties)	
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385 Request for Continued Examination (RCE)	
1802	900	1802	900 Request for expedited examination of a design application	
Other fee (specify) _____				
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$) 240.00

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FEB 24 2004
OFFICE OF PETITIONS
Fee Paid

(Complete if applicable)				
Name (Print/Type)	Walt Thomas Zielinski	Registration No. (Attorney/Agent)	18,902	Telephone (212) 527-7772
Signature	<i>Walt Thomas Zielinski</i>			Date February 17, 2004



APPENDIX A

When the USPTO's decision of September 27, 2002 came down, neither the undersigned nor his firm had a power of attorney in the above-identified application and, therefore, neither was sent a copy thereof by the USPTO.

Such decision, a copy of which is attached herewith behind Tab A, recognizes that a single U.S. patent application had erroneously been given two separate USPTO serial numbers, i.e., No. 09/117,406 and No. 09/525,579 --- which numbers were 408, 173 digits apart --- ; the firm of Eitan, Pearl, Latzer and Cohen-Zedek (hereinafter "Eitan, Pearl") had the power of attorney in the USPTO; and, an inventor assignment had been submitted to the USPTO for recordal on January 11, 2001. No reel or frame numbers for such assignment appear in such decision.

Sometime thereafter, the undersigned's firm received a copy of the September 27, 2002 USPTO decision through its Israeli associate from Eitan, Pearl as a courtesy, because Eitan, Pearl was aware that the subject application had been assigned to the Israeli associate's Israeli client and that its intention was to grant the undersigned's firm a fresh power of attorney and, simultaneously, to revoke that to Eitan, Pearl. However, Eitan, Pearl provided no further information whatsoever about the afore-mentioned inventor assignment.

Upon receipt of the courtesy copy of the September 27, 2002 USPTO decision, the undersigned promptly asked the Israeli associate to ask its Israeli client (and its German parent), as well as the Israeli home office of Eitan, Pearl, to provide the USPTO reel and frame numbers for the above-identified assignment, so that the undersigned could proceed with the submission for recordal of the fresh power of attorney from its client, together with the usual statement under 38 CFR § 3.73(b). No such information was forthcoming from any of them for a number of months; the Israeli associate confirmed in September, 2003 that this information would not be forthcoming from any of those asked; and, the undersigned thereafter authorized a professional search in the USPTO to determine the USPTO reel and frame numbers of the inventor assignment. What happened then is reported in the copy of the searcher's December 10, 2003 report attached hereto behind Tab B.

At no time prior to November 26, 2003, was the undersigned's firm, or he personally, informed about, or shown or given a copy of, either the October 29, 2002 USPTO notice of missing parts or the October 23, 2003 USPTO notice of abandonment of the subject application. These documents, copies of which are attached came to him from his searcher only on December 2, 2003, and confirm they were addressed solely to Eitan, Pearl.

In other words, at no time after the September 27, 2002 USPTO decision withdrawing the earlier notice of abandonment did the USPTO or Eitan, Pearl provide the undersigned's firm with any additional information about the inventor assignment or any information at all about the later notices of missing parts and abandonment.

It is clear from the foregoing, therefore, that any and all delay in timely responding to any of the September 27, 2002, October 29, 2002 or October 23, 2003 USPTO requirements was entirely unavoidable by applicants, their current assignee, or their current representatives and, rather, was the result of apparent failures of Eitan, Pearl to communicate timely and thoroughly with the Israeli associate of the undersigned and/or his firm or their client before its power of attorney was revoked by the November 26, 2003 USPTO acceptance of the power granted to the Darby firm about the progressively more urgent status of the subject application. In other words, it appears that Eitan, Pearl did nothing to warn anyone about, or to facilitate the filing of the new power of attorney that would enable timely responses to, the outstanding requirements of the USPTO.

Accordingly, withdrawal of the October 23, 2003 USPTO notice of abandonment and reinstatement to normal prosecution of the subject application are respectfully requested.

The undersigned declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statement may jeopardize the validity of the subject patent.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Paper No. 11

Eitan, Pearl, Latzer, & Cohen-Zedek
One Crystal Park, Suite 210
2011 Crystal Drive
Arlington, VA 22202-3709

In re Application of
Murray Figov et al.
Application No. 09/525,579
Filed: July 24, 1998
Attorney Docket No. 0866/OE519
(P-844-US)
For: Imaging Apparatus for Exposing a
Printing Member and Printing Members
Therefor

COPY MAILED

SEP 27 2002

OFFICE OF PETITIONS

DECISION GRANTING PETITIONS

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FEB 24 2004

OFFICE OF PETITIONS

This is a decision on the letter dated March 3, 2000, which is being treated as a petition requesting that above-identified application be accorded a filing date of July 24, 1998. This is also a decision on the letter filed December 5, 2001, and supplemented on January 10, 2002, which is being treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition to accord the application a filing date of July 24, 1998 is granted.

The petition to withdraw the holding of abandonment is granted.

No petition fee has been paid and none is required.

The petition to accord the application a filing date was accompanied by, inter alia, copies of a transmittal letter (2 pages), a preliminary amendment (2 pages), a specification including claims and abstract (32 pages), and 7 sheets of drawings, and a postcard receipt acknowledging receipt in the USPTO on July 24, 1998 of these same items. In view of applicants' postcard receipt, it is concluded that complete applications papers were filed on July 24, 1998 and later misplaced in the Office. Accordingly, the application is entitled to a filing date of July 24, 1998.

As evidenced by applicants' postcard receipt, this application was initially assigned application No. 09/117,406. However, the official application number assigned to this application is application No. 09/525,579 since that is the number on the filing receipt. See MPEP 503.

The priority papers filed November 23, 1998, the "Power of Attorney and Revocation of Prior Powers by Assignee" filed March 22, 2000, and the "Change of Correspondence Address" filed December 27, 2001, which were addressed to application No. 09/117,406, have been removed from application No. 09/117,406 and placed in application No. 09/525,579. The other identifying information, such as first named inventor, title of invention, and attorney docket number on these papers clearly indicate that the papers were intended for application No. 09/525,579. Applicants are advised that all further correspondence for this application should be directed to application No. 09/525,579.

On April 19, 2000, a Notice to File Missing Parts was mailed requiring the statutory basic filing fee of \$790, excess claim fee fees of \$82 for one independent claim in excess of three, an executed oath or declaration, and the \$130 surcharge for the late filing of the oath or declaration and filing fee. The Notice set a two month period for reply with extensions of time under 37 CFR 1.136(a) being available. The Notice was mailed to Darby & Darby at the address contained on the transmittal letter.

On January 11, 2001, a "Declaration and Power of Attorney for Patent Application" signed by the inventors, a "Power of Attorney and Revocation of Prior Powers by Assignee", and an assignment document were filed.

On October 25, 2001, a Notice of Abandonment was mailed to Eitan, Pearl, Latzer & Cohen-Zedek at the address contained in the Declaration and the Power of Attorney filed January 11, 2001. The Notice of Abandonment indicated that the reply received on January 11, 2001 was untimely.

On December 5, 2001, a letter was submitted by facsimile. In the letter, applicants state that the Notice to File Missing Parts was never received and that the Notice of Abandonment was believed to be in error. The letter was accompanied by a copy of the Power of Attorney filed January 11, 2001, a copy of applicants' stamped postcard receipt, and a copy of the Notice of Abandonment.

On January 10, 2002, a second letter regarding the Notice of Abandonment was submitted by facsimile.

The Notice to File Missing Parts should have been mailed to Eitan, Pearl, Latzer & Cohen-Zedek in view of the "Power of Attorney and Revocation of Prior Powers by Assignee" filed March 22, 2000.

Accordingly, the application is not abandoned in fact because applicants did not receive the Notice to File Missing Parts. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The "Change of Correspondence Address" filed December 27, 2001 has not been entered since it was signed by John L. Welsh, who is not an attorney of record. The attorneys of record are the attorneys named in the "Power of Attorney and Revocation of Prior Powers by Assignee" filed January 11, 2001.

The assignment document filed January 11, 2001 has been forwarded to Assignment Branch.

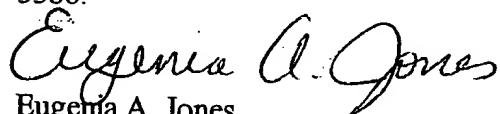
As noted above, a declaration was filed on January 11, 2001. The filing fees and the surcharge, however, have not yet been paid.

Applicants are given **TWO MONTHS** from the mail date of this decision to submit the following **required fees**: \$790 basic filing fee, \$82 for one independent claim in excess of three independent claims, and \$130 surcharge for the late submission of the filing fee and/or declaration for a total balance due of \$1002. Extensions of time under 37 CFR 1.136 are available. Failure to timely file the required fees will result in **abandonment** of the application. The response should be directed to Initial Patent Examination Division.

The application has already been processed with a July 24, 1998 filing date using the copy of the application papers supplied with the petition to accord the application a filing date.

The application is being forwarded to Initial Patent Examination Division to await the fees required above.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.



Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

J. F. BROWN AND ASSOCIATES, INC.
PATENT AND TRADEMARK SERVICES

775 23RD STREET SOUTH
ARLINGTON, VIRGINIA 22202
TELEPHONE: (703) 979-5350
FACSIMILE: (703) 979-5388
TOLL FREE: 1 (888) 700-5350
WWW.PATENTPEOPLE.COM
EMAIL: JFBROWNASS@AOL.COM

December 10, 2003

Mr. Walt Thomas Zielinski
Darby & Darby
805 Third Avenue
New York, New York 10022-7513

Re: U.S. Serial Number 09/525,579
Ref: 5/P-844-US

Dear Mr. Zielinski:

Your letter dated October 14, 2003 asked that I contact a representative from Landon & Stark regarding the original assignment filed by them. This was unsuccessful most likely because we are a business in direct competition with them so they were very hesitant to cooperate. You then sent a letter with attachments on October 23, 2003 asking me to speak to Ms. Eugenia Jones regarding the case. I was finally able to track her down after about a week and she was familiar with the case and seemed confused by why the fees were not paid as instructed on the decision. I then proceeded to explain the problem we were having obtaining the first assignment reel and frame number so we may file the second assignment thus making it possible to make Darby & Darby the attorney of record. Since I did not have a power to inspect that was legal she nor any other representative in the USPTO would give me the reel and frame that I was seeking.

After a week of back and forth phone calls with you I did some research and after narrowing the date the original assignment was recorded. I searched the reels one by one, frame by frame, until I found the recorded assignment we needed to submit the second assignment and submit the new power of attorney. On November 6, 2003, I called and notified you that I had found the missing reel and frame number and you were going to send me the new assignment to be filed at an "at cost" basis. Which is the fastest way to have an assignment filed. That was filed the very next day. We received that back completed from the assignment branch the following week.

I had to reorder the file from the Warehouse on the week of November 17 to send it to the director of group 2800 to have the Revocation and New Power of Attorney entered into the case. I hand carried the Revocation and new Power of Attorney to the group on November 25, 2003 and the papers were entered and approved and the notice of acceptance was mailed out on November 26, 2003.

J. F. BROWN AND ASSOCIATES, INC.
PATENT AND TRADEMARK SERVICES

775 23RD STREET SOUTH
ARLINGTON, VIRGINIA 22202
TELEPHONE: (703) 979-5350
FACSIMILE: (703) 979-5388
TOLL FREE: 1 (888) 700-5350
WWW.PATENTPEOPLE.COM
EMAIL: JFBROWNASS@AOL.COM

The case was inadvertently sent to the warehouse by a USPTO contractor, which stalled my efforts for about a week. After finally receiving the file and reviewing the contents I went to Ms. Eugenia Jones on December 9, 2003 regarding the abandonment. She said since the fees were not paid that a petition to revive had to be filed in order for the case to be pending again. I explained to her our problems with the assignment and filing the new power of attorney in hopes to bypass filing the petition to revive. But she said we still needed to file a petition and it wasn't the PTO's problem we were unable to get the reel and frame in time to stop the abandonment.

Very truly yours,

John R. Semiklose
John R. Semiklose

RECEIVED

FEB 24 2004

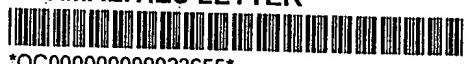
OFFICE OF PLEADING
 Commissioner for Patents
 Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/525,579	07/24/1998	Murray Figov	0866/0E519

Eitan Pearl Latzer & Cohen-Zedek
 One Crystal Park
 2011 Crystal Drive Suite 210
 Arlington, VA 22202-3709



CONFIRMATION NO. 7319
FORMALITIES LETTER



OC000000009022655

Date Mailed: 10/29/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/20/2004 SZEWIDIE1 00000025 09525579

01 FC:1001	770.00 OP
02 FC:1201	86.00 OP
03 FC:1051	130.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of \$82 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1002 for a Large Entity

- \$790 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$82
 - \$82 for 1 independent claims over 3

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

RECEIVED

FEB 24 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/525,579	07/24/1998	Murray Figov	0866/0E519

Eitan Pearl Latzer & Cohen-Zedek
One Crystal Park
2011 Crystal Drive Suite 210
Arlington, VA 22202-3709



CONFIRMATION NO. 7319

ABANDONMENT/TERMINATION
LETTER



OC000000011091330

Date Mailed: 10/23/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/29/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

In Lieu
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY